

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 25-646V

UNPUBLISHED

MARY PALMISANO,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 28, 2025

*Jessica E. Choper*, Britcher Leone & Sergio, L.L.C., Glen Rock, NJ, for Petitioner.

*Heather L. Pearlman*, U.S. Department of Justice, Washington, DC, for Respondent.

### **DECISION**<sup>1</sup>

On April 15, 2025, Mary Palmisano filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa—10 through 34.<sup>2</sup> Petitioner alleged that she suffered an adverse reaction to an influenza vaccination that she received on October 7, 2020. ECF No. 1 at 1. On April 22, 2025, Petitioner filed a motion to dismiss stating that she mistakenly filed her amended petition from another case (no. 23-1666V) as a new duplicate case (this case) based on the same vaccination. Petitioner intends to continue prosecuting the original case.

The Vaccine Act only permits one petition to be filed per vaccine administration. 42 U.S.C. § 300aa—11(b)(2). Since a petition was already filed for Petitioner's October 7, 2020 influenza vaccination, no additional petitions may be filed for that vaccination.

**Accordingly, Petitioner's motion to dismiss is GRANTED and this case is DISMISSED. The clerk shall enter judgment accordingly.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran

Chief Special Master

<sup>1</sup> Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755.